



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BROWN, RAYSMAN, MILLSTEIN, FELDER &
STEINER LLP
900 Third Avenue
New York, NY 10022

MAILED

SEP 14 2005

Technology Center 2100

In re Application of:
Brennan J. MCTERNAN, et al.
Application No. 09/767,268
Filed: April 6, 2005
For: SYSTEM AND METHOD FOR
ACCOUNTING FOR VARIATIONS IN
CLIENT CAPABILITIES IN THE
DISTRIBUTION OF A MEDIA
PRESENTATION

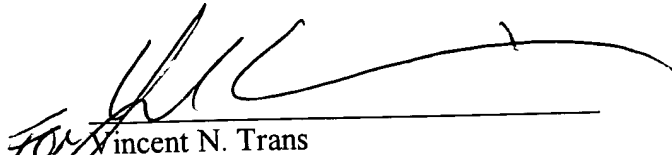
DECISION ON REQUEST TO
WITHDRAW AS ATTORNEY
OR AGENT

This is a decision on the Request to Withdraw from Representation filed April 06, 2005.

A grantable request to withdraw as attorney of record should indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. **A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).** The effective date of withdrawal being the date of decision and not the date of request. See M.P.E.P. § 402.06. 37 C.F.R. § 10.40(a) further requires that the applicant or patent owner be notified of the withdrawal of the attorney or agent.

A review of the file reveals that a non-final Office Action was mailed on August 13, 2004. Therefore, the time for response, including the maximum extendable period, to the Office action mailed on August 13, 2004 expired February 13, 2005. Accordingly, the request is **DENIED**.

Further communications will continue to be addressed to the address above.



Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3613